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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 17/4/2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.5722 of 2015

and

M.P.(MD)Nos.1 and 2 of 2015

M. Pandian

...Petitioner

Vs

1. The Senior Regional Manager
Tamil Nadu State Marketing
Corporation Limited
Trichy.

2. The District Manager
Tamil Nadu State Marketing
Corporation Limited
Thanjavur.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.7861/RV-2/2014 dated 12/11/2014 and quash the same and consequently direct the respondents herein to regularise the period of suspension as on duty and pay the arrears of salary along with other attendant and monetary benefits.

For Petitioner	...	Mr.Veerakathiravan
For Respondents	...	Mr.M.Muniyasamy Standing Counsel

O R D E R

In this writ petition, the Petitioner is aggrieved against the order of suspension.

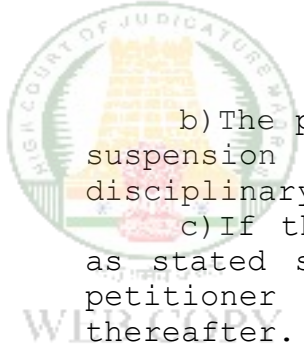
2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. It is seen that the petitioner was placed under suspension by the impugned order dated 12.11.2014, based on certain allegations. Now, even after a long period, the petitioner is not either reinstated or given subsistence allowance so far. Therefore, it is the contention of the petitioner that the suspension order should be set aside.

4. In similar circumstances, this Court has considered and passed order in respect of similarly situated persons in W.P(MD) No.19881 of 2013 dated 10.12.2013.

5. Considering all the facts and circumstances, the following order is passed:

a) It is open to the respondents to initiate disciplinary proceedings against the petitioner and if any such proceedings is initiated, the same shall be completed and final order shall be passed within a period of three months from the date of receipt of a copy of this order.



b) The petitioner shall be paid subsistence allowance from the date of suspension till the respondents pass the final orders in the disciplinary proceedings.

c) If the respondents do not initiate any disciplinary proceedings as stated supra and pass final orders within the time stipulated, the petitioner is entitled to be reinstated into service immediately thereafter.

d) If the petitioner is entitled to get subsistence allowance, the same shall be paid and the enquiry shall be conducted on day-to-day basis, and even on holidays. The petitioner shall co-operate for conclusion of enquiry within the time stipulated in this order. If he is responsible for prolonging the enquiry, he will not be entitled to the relief in para 5(c) mentioned supra.

6. With these directions and observations, the writ petition is disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Senior Regional Manager
Tamil Nadu State Marketing
Corporation Limited
Trichy.

2. The District Manager
Tamil Nadu State Marketing
Corporation Limited
Thanjavur.

+1cc to Mr.Veerakarhiravan, Advocate in SR.19700

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17/4/2015

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